

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

-----	X	
	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
-----	X	

**STIPULATION BY AND AMONG THE CITY OF DETROIT AND
LASALLE TOWN HOUSES COOPERATIVE ASSOCIATION, NICOLET
TOWN HOUSES COOPERATIVE ASSOCIATION, LAFAYETTE TOWN
HOUSES, INC., JOLIET TOWN HOUSES COOPERATIVE
ASSOCIATION, AND ST. JAMES COOPERATIVE, ON BEHALF OF
THEMSELVES AND THE CLASS**

The City of Detroit (the “City”) and LaSalle Town Houses Cooperative Association, Nicolet Town Houses Cooperative Association, Lafayette Town Houses, Inc., Joliet Town Houses Cooperative Association, and St. James Cooperative (collectively, the “Plaintiffs”), on behalf of themselves and the Class (as defined below) stipulate and agree as follows:

WHEREAS, on or about August 23, 2012, the Plaintiffs filed an action in the United States District Court for the Eastern District of Michigan (“District Court”), Case No. 12-cv-13747 (“District Court Case”);

WHEREAS, on February 18, 2014, the Class Claimants filed a Motion to Extend Time to File Class Claimants' Proof of Claim [Doc. No. 2691] ("Motion to Extend");

WHEREAS, on February 21, 2014, the Class Claimants filed a proof of claim in the City's bankruptcy case which appears as claim number 2833 ("Class Proof of Claim");

WHEREAS, on February 21, 2014, the Class Claimants filed the Class Claimants' Motion for Application of Fed .R .Bank. P. 7023 and for Related Relief [Doc. No. 2712] ("Initial Motion for Application");

WHEREAS, on February 25, 2014, the Class Claimants filed the Corrected Class Claimants' Motion for Application of Fed. R. Bankr. P. 7023 and for Related Relief [Doc. No. 2739] ("Corrected Motion for Application"), and together with the Initial Motion for Application, (the "Motion for Application");

WHEREAS, on March 3, 2014, the District Court entered an Order Denying Motion to Dismiss [#22], Granting Motion to Certify Class [#20], Finding Renewed Motion to Certify Class [#38] Moot, Finding Renewed Motion to Dismiss [#45] Moot and Cancelling Oral Argument and Setting Status Conference for March 4, 2014 [Doc. No. 47 in District Court Case No. 12-cv-13747] ("Class Certification Order");

WHEREAS, the Class Certification Order certified a class, pursuant to Fed. R. Civ. P. 23(b)(1)(A) and (b)(2), consisting of the following: All entities or individuals owning, or acting for owners of, buildings, apartment buildings, townhouses, housing cooperatives and condominiums with multiple units and utilized for residential purposes whom and which have been charged at a commercial rate by the City of Detroit and/or the Detroit Water and Sewerage Department for water and sewerage and component services with the time period at least six years prior to the filing of this action through the date of final judgment or such longer amount of time as may be allowed by law (“Class” and together with the Plaintiffs, the “Class Claimants”);

WHEREAS, the Class Certification Order, as amended, provided that Randall Pentiuk and Kerry Morgan of Pentiuk, Couveur & Kobiljak, P.C., are appointed as class counsel pursuant to Fed. R. Civ. P. 23(g) (“Class Counsel”);

WHEREAS, the Class Certification Order is not a final order;

NOW, THEREFORE, the City and the Class Claimants stipulate and agree as follows:

1. The Motion to Extend is withdrawn.
2. The Motion for Application is withdrawn as moot.
3. The resolution of the Motion for Application does not prevent the District Court Case from going forward.

4. Subject to paragraph 5 of this Stipulation, the Class is certified in this bankruptcy case without any further order from this Court, and Class Claimants have the ability and authority to file or amend the Class Proof of Claim through Class Counsel if the District Court fails to set aside its Class Certification Order of March 3, 2014, on or before the pretrial date as set by the District Court; provided, however, the City may object to the Class Proof of Claim on any basis other than those relating to class certification or timeliness.

5. If an Order is entered in the District Court Case, or on appeal, which subsequently denies certification to the now certified Class, the Class will cease to be certified in the City's bankruptcy case, Claimants will not thereafter seek class certification and the Class Proof of Claim will be expunged and disallowed in its entirety without any further order from this Court; provided, however, the Plaintiffs may amend or pursue their individually filed proofs of claim and the City reserves all rights to object to any such claims, except on the basis of timeliness.

6. The City and the Class Claimants request that this Court enter an order in substantially the same form as the one attached as Exhibit A.

STIPULATED:

Dated: April 29, 2014

ATTORNEYS FOR CLASS CLAIMANTS

By: /s/ Robert N. Bassel
Robert N. Bassel (P48420)
P. O. Box T
Clinton, MI 49236
(248) 677-1234
bbassel@gmail.com
ATTORNEYS FOR THE CITY OF DETROIT

By: /s/ Timothy A. Fusco
Jonathan S. Green (MI P33140)
Stephen S. LaPlante (MI P48063)
Timothy A. Fusco (MI P13768)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson
Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-7500
green@millercanfield.com
laplante@millercanfield.com

David G. Heiman (OH 0038271)
Heather Lennox (OH 0059649)
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212
dgheiman@jonesday.com
hlennox@jonesday.com

Bruce Bennett (CA 105430)
JONES DAY
555 South Flower Street Fiftieth Floor
Los Angeles, California 90071
Telephone: (213) 243-2382

Facsimile: (213) 243-2539
bbennett@jonesday.com

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

-----	X	
	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
-----	X	

**ORDER APPROVING STIPULATION BY AND AMONG THE CITY OF
DETROIT AND LASALLE TOWN HOUSES COOPERATIVE
ASSOCIATION, NICOLET TOWN HOUSES COOPERATIVE
ASSOCIATION, LAFAYETTE TOWN HOUSES, INC., JOLIET TOWN
HOUSES COOPERATIVE ASSOCIATION, AND ST. JAMES
COOPERATIVE, ON BEHALF OF THEMSELVES AND THE CLASS**

Upon the Stipulation by and among the City of Detroit and LaSalle Town Houses Cooperative Association, Nicolet Town Houses Cooperative Association, Lafayette Town Houses, Inc., Joliet Town Houses Cooperative Association, and St. James Cooperative, on behalf of themselves and the Class;¹ and the Court having reviewed the Stipulation and determining that good and sufficient cause has been shown;

IT IS HEREBY ORDERED:

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

1. The Motion to Extend is withdrawn.
2. The Motion for Application is withdrawn as moot.
3. The resolution of the Motion for Application does not prevent the District Court Case from going forward.
4. Subject to paragraph 5 of this Order, the Class is certified in this bankruptcy case without any further order from this Court, and Class Claimants have the ability and authority to file or amend the Class Proof of Claim through Class Counsel if the District Court fails to set aside its Class Certification Order of March 3, 2014, on or before the pretrial date as set by the District Court; provided, however, the City may object to the Class Proof of Claim on any basis other than those relating to class certification or timeliness.
5. If an Order is entered in the District Court Case, or on appeal, which subsequently denies certification to the now certified Class, the Class will cease to be certified in the City's bankruptcy case, Claimants will not thereafter seek class certification and the Class Proof of Claim will be expunged and disallowed in its entirety without any further order from this Court; provided, however, the Plaintiffs may amend or pursue their individually filed proofs of claim and the City reserves all rights to object to any such claims, except on the basis of timeliness.